

THE STATE



OF WYOMING

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COUNSEL
DAVID M. MOSIER
ADMINISTRATOR

October 3, 2000

Magalie Roman Salas, Secretary
Federal Communications Commission
445 12th St., S. W., TW-A325
Washington, D. C. 20554

RECEIVED

OCT 4 2000

FCC MAIL ROOM

Re: CC Docket No. 94-129

Dear Ms. Salas:

Enclosed are the original and seven copies of the Wyoming Public Service Commission's letter to the Federal Communications Commission in which it elects to take primary responsibility for resolving Wyoming consumer slamming complaints. Please file and distribute the letter as required.

I have also enclosed in this package the required copy of the enclosed letter for the Chief of the FCC Consumer Information Bureau. Thank you for forwarding it to the Bureau.

Yours very truly,

A handwritten signature in black ink, appearing to read "Stephen G. Oxley".
STEPHEN G. OXLEY
Secretary and Chief Counsel

No. of Copies rec'd 0+8
List ABCDE



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DAVID M. MOSIER
ADMINISTRATOR

September 29, 2000

Magalie Roman Salas, Secretary
Federal Communications Commission
445 12th St., S. W., TW-A325
Washington, D. C. 20554

Re: CC Docket No. 94-129

RECEIVED
OCT 4 2000
FCC MAIL ROOM

Dear Ms. Salas:

Pursuant to the procedures established in the FCC's *First Order on Reconsideration* in CC Docket No. 94-129, released May 3, 2000, the Wyoming Public Service Commission hereby elects to take primary responsibility for resolving Wyoming consumer slamming complaints as of this date. The information required by 47 CFR § 64.1110(a) and paragraph 29 of the May Order is provided below:

The Wyoming Public Service Commission Complaint Process

Method of Filing: Consumers may contact the Wyoming Public Service Commission by telephone, toll-free telephone, letter, fax, Internet, e-mail, or Wyoming Relay (for communications impaired consumers).

Location of Filing:

Mailing address:	Wyoming Public Service Commission 2515 Warren Avenue, Suite 300 Cheyenne, Wyoming 82002
Toll-free consumer complaint phone number	1-888-570-9905

General telephone number	1-307-777-7427
Complaint section fax number	1-307-777-5703
General fax number (if complaint fax line is busy)	1-307-777-5700
Toll-free Wyoming Relay number (for communications impaired consumers)	1-800-877-9965
Internet site for more information on complaint filing and slamming	http://psc.state.wy.us (select "consumer" on home page)
e-mail address for complaints	spetri@state.wy.us

Filing fees: There are no fees to file a formal or informal complaint.

Documentation Consumer Must Provide: There is no specific required form for filing a complaint with the Wyoming Public Service Commission. Attached is a copy of a blank record screen from our complaint database which illustrates the basic consumer information developed by our complaint section in handling a complaint (Attachment A). Our complaint resolution section requests copies of the relevant documents, which can include [i] telephone bills which contain the allegedly unauthorized carrier charges, and [ii] other documentation pertaining to the complaint (e.g., signed forms, offering documents, etc.). The complaint resolution section will contact the carrier by telephone or e-mail, identify the complaint, request proof that the carrier obtained proper authorization from the consumer, and ask for any other documentation bearing on the resolution of the complaint.

Procedure (Safeguards, Deadlines, Appeal Rights): The allegedly unauthorized carrier is given 5 days to respond to the Commission complaint section inquiry. The carrier is instructed, *inter alia*, that the FCC's rules require a carrier to remove all unpaid charges from a subscriber's bill pending a determination of whether an unauthorized charge has occurred if the carrier has not already done so. The carrier's response and the information supplied by the consumer are reviewed by the complaint specialist handling the matter to determine whether the information clearly proves a legitimate verification which complies with applicable Wyoming law found at W.S. § 37-15-412 in the Wyoming Telecommunications Act of 1995. Our verification requirements under Wyoming law allow for a legitimate change of carrier only if it is done in compliance with any method of authorization permitted under federal law, rule or regulation except that no negative option marketing technique may be used). Our requirements thus meet or exceed the requirements of the FCC's rules.

If the complaint section determines that the carrier verification complies with state law, the consumer is notified that the Wyoming Public Service Commission has found that no slam has occurred. If the complaint section determines the

verification was inadequate, the carrier and the consumer are informed that a slam did occur and that, in accordance with 47 U.S.C. § 258(b), both federal and state remedies apply. If the carrier fails to provide proof of authorization or does not respond to the complaint, the complaint section determines that a slam occurred and notifies the carrier and the consumer of that finding.

If, in the course of this resolution process, the carrier admits that a slam has occurred, it is directed to cancel all unpaid unauthorized charges and to make immediate refunds to the consumer of any amounts which have been mistakenly paid. The complaint section follows up with the carrier and the consumer to insure that prompt crediting and refunding have been accomplished.

If the described process does not lead to resolution of a slam or if the necessary credits and refunds are not promptly made, the Commission may hold a formal public hearing on the matter on a procedural schedule determined with respect to the particular case and may then enter a final order deciding the matter, including the imposition of state penalties and other remedies set forth in W.S. § 37-15-412. There is no charge to the consumer with respect to such a hearing, and a party may also ask for a rehearing by the Commission. The Commission's final order is appealable to the courts by any person affected by it.

FCC-State coordination:

Reporting: The Wyoming Public Service Commission's complaint staff enters each slamming complaint that is received into our computerized complaint database. In accordance with paragraph 34 of the May Order, we agree to regularly file information with the FCC that details slamming activity in Wyoming to facilitate joint enforcement activities. To encourage early resolution of complaints in general, the Wyoming Public Service Commission treats complaints as a confidential matter among the Commission, the consumer and the carrier when they are at the informal stage. Consumers will be informed that information may be shared with the FCC to facilitate joint enforcement activities.

Coordination: The primary contact for the FCC for coordination of FCC complaint referrals and State reporting is:

Sue Petrie
Lead, Complaint Section
Wyoming Public Service Commission
2515 Warren Avenue, Suite 300
Cheyenne, Wyoming 82002

Telephone: 1-307-777-5721

Fax: 1-307-777-5703
e-mail: spetri@state.wy.us

Our law clearly articulates Wyoming's public policy of discouraging and penalizing slamming and cramming activities. You will note that it provides for the decertification of companies which are found to be chronic slammers, in addition to other penalties and restitution to those harmed. Therefore, the close cooperation of the FCC and the Wyoming Public Service Commission in sharing information on slamming matters will form an important part of the enforcement efforts of both Commissions and will be of significant assistance to both Commissions. The Wyoming Public Service Commission looks forward to working with the FCC to eradicate slamming altogether. We hope that our ongoing evaluation of the staffing and resource needs of our Commission will allow us to continue to take primary responsibility for resolving Wyoming consumer slamming complaints in close cooperation with the FCC.

Sincerely,


STEVE ELLENBECKER
Chairman


STEVE FURTNEY
Deputy Chair


KRISTIN H. LEE
Commissioner

xc: FCC Consumer Information Bureau Chief

COMPLAINTUtility **None**Commission **WY-Commission****Customer Info.**

Customer:

Phone:

Contact:

Fax:

Account Number:

Phone (Other):

Address**Service Address:****Mailing Address:**

Street:

Street:

City:

City:

State:

State:

Zip:

Zip:

Complaint Info.Status: **Open**Inquiry Only: **No**Received on: **09/11/2000 10:09:16 AM**Utility Analyst: **Unassigned**

Resolved on:

Commission Analyst: **Unassigned****Complaint
Description:****Results:****Commission**

Complaint Type:

Days Open:

Utility Type:

Agenda Item: ☐ Yes ☐ No

Docket Number:

Formal Hearing: ☐ Yes ☐ No**Actions Taken:**